



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

April 3, 2012

Ms. Suzanne B. Herron, P.E., CPESC
Director
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street, Suite 900
Nashville, TN 37243

SUBJECT: Memorial Boulevard SR-126 Sullivan County, Kingsport, Tennessee

Dear Ms. Herron,

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (DEIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2) (C) of the National Environmental Policy Act (NEPA). The U.S. Department of Transportation, Federal Highway Administration (FHWA) and Tennessee Department of Transportation (TDOT) propose to improve State Route (SR) 126 (Memorial Boulevard) Sullivan County, in Kingsport Tennessee. TDOT along with FHWA are proposing to improve an 8.4 mile section of SR 126 from East Center Street within the City of Kingsport's city limits east to Interstate 81 (I-81) in Sullivan County. SR 126 is also known as Memorial Boulevard within the study limits. The need for this project as proposed; is to provide and efficient route for local traffic between the City of Kingsport and I-81.

The alternatives considered include one No Build Alternative and two Build Alternatives (Alt A & Alt B). The No-Build Alternative includes no improvements to the roadway, but would include routine maintenance. No substantial changes would be conducted under this alternative. The alternative, Alt. A increases the numbers of lanes from two lanes to two lanes in each direction for a total of four lanes. This alternative provides for improved shoulders, sidewalks, and will promote pedestrian and bicycle usage. Build Alt. B utilizes the same proposed typical roadways as Alt A but the length of the four-lane section is reduced by approximately ½ mile. Alt B differs by minor modifications to the centerline to minimize excavation, fill impacts, requires less right-of-way and impacts fewer residence.

Based on our review of the DEIS, EPA's environmental concerns are associated with impacts as follows:

- Impacts to water resources
- EJ issues and EJ community input from field personal field surveys

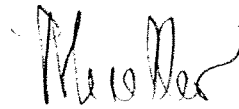
Water resource mitigation should be reflected in each of the alternatives. The report should identify mitigation banks and in-lieu-fee programs that are acceptable to state and federal

regulatory agencies. All field surveys of water resources should be provided in the appendix of the report with supporting documentation of the field report(s) conclusions. Jurisdictional determination for wetlands needs to be confirmed by the Army Corps of Engineers. Field reports for the determination of aquatic resources need to reflect the dates, times of the field surveys and include the names and qualification of the individuals conducting the surveys.

EJ issues associated with the affected communities should include a factsheet clearly defining all potential adverse impacts associated with each alternative for all communities. A map should be constructed that displays the potential routes with a list of potential impacts for EJ communities.

Enclosed are more specific comments related to these issues. For the reasons stated above and in the enclosed document, EPA is rating this project Environmental Concerns 1 (EC-1). We appreciate the opportunity to review the proposed action. Please contact Larry Long at (404) 562-9460 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures

DEIS Comments
Environmental Protection Agency comments for:
SR 126 Memorial Boulevard Corridor Improvement Project
Sullivan County, Kingsport, Tennessee

EPA appreciates the efforts that went into the formatting of this DEIS. For the most part the format lends to a better understanding of the issues addressed in the report. We recommend that this format be used for future EIS projects. EPA's comments on the project are as follows:

Impacts to water resources

- 1.) Page X Table A: Summary of Project Data & Estimated Impacts is the same as Page 83. Table 2.5.1 in Concurrence Point three (CP3), therefore our comments is the same: this table estimated impacts of streams as 4863 to 3107 linear ft. depending on alternative selected. The same table states that there are no wetlands impacts with 3.2 to 4 acres of floodplain. This seems unlikely, there needs to be greater discussion on how and who made the determination of no wetland impacts including the time of year that the determination was made.
- 2.) In CP 3 Page 116, section 3.5.2 Aquatic Resources stated that there are no jurisdictional wetlands. Page 116, section 3.5.2 Aquatic Resources removed the word jurisdictional but fail to provide supporting documentation of the existence of wetland. NWI as reference in this section may not be the best source and must be followed by ground truthing. This section also stated that surveys were conducted but fails to state who conducted, when the surveys were conducted or how the surveys were conducted along with the credentials' of the individuals that conducted the surveys. The Army Corps of Engineers along with EPA establish jurisdiction of Waters of the U.S., there is no indication that either agency was consulted to establish jurisdiction of the water bodies surveyed in this report. This issued is will mostly likely be readdressed when the applicants apply for a 404 permits. The objective of the streamlining process is to present these issues prior to the issuance of the final NEPA document. Wetland determinations should be made during the growing season so that the three main parameters (hydric soil, hydrology, and wetland biota) are properly determined. There is no indication that this process was followed for this report. NRCS did send a letter to TDOT, dated December 22, 2008 (Appendix: A Initial Correspondence Letter) indicating that hydric soils are present. Hydric soil mapping along with floodplain maps (demonstrates hydrology) provide for three of the necessary parameters for the determination of wetland's presence. This section of the report did not clearly address the presence of potential wetlands. This section does provide the indicators necessary for the presence of wetland, being that there are located in a floodplain with a riverine corridor. Wetlands surveys must be conducted within the

growing season or provide reason why they were not. The viewing of aerial photos and NWI maps does not provide a sufficient wetland survey they must be ground truthed.

- 3.) In CP 3, Page 140, 4.9.2 Aquatic Ecology, (Page 140 in DEIS) stated that “Habitat quality of each of the streams investigated scored below the average range. This section needs to provide the date, time, and by whom the investigation were performed. This section also needs to provide the reasoning and evaluation system used to determine that the stream were below average.

EJ issues impacts

- 1.) In CP 3 Page 137, 4.5 Environmental Justice, Figure 4.5.1 (Page 137 in DEIS) denotes several communities and on page 138 the statement is made that the “project will not have an adverse or disproportionately high impact”; however this section fails to state how this conclusion was reached and does not provide substantive support for the conclusion. EPA recommends the use of the Envied tool in the NEPAssist tool box. EJview is used for mapping of EJ concerns while use of the entire EJassist tool provides a more in-depth analysis of the affected communities. *NEPAssist* is an easy to use web-based mapping and analytical application that draws environmental data dynamically from EPA's Geographic Information System databases. The application allows users to identify and understand environmental constraint surrounding federal projects and helps agencies review and prepare more effective and efficient environmental scoping documents, environmental assessment, environmental impacts statements. It also helps to document and organize project-related information. These features contribute to a streamlined review process that potentially identifies important environmental and socioeconomic issues at the earliest stages of project development. In addition to providing a preliminary environmental assessment of a project's potential environmental impacts, the tool has the capacity to help to provide scoping information related to project area demographic, economic and societal information. This tool is not intended to replace ground-truthing.

The paragraphs that were on page 138 of CP3 are unchanged in the DEIS with the state “[A]ll people in the area, including special interest groups would share equally in the benefits of the proposed project”, it should be noted that the focus of the analysis for EJ communities is on the disproportionately distribution of *Adverse effects*. Therefore a not all communities would be starting at the same level of adverse impacts from the project and the cumulative impacts may be greater for some communities. The quote is lacking in substantive documentation to support the conclusion that all of the communities are in fact sharing the impacts equally.

- 2.) CP 3 Figure 4.5.1 should display the alternative routes through the listed communities to help evaluate impacts to those communities. Note that impact to the communities should include such issues as fugitive dust, noise, stormwater controls during and after construction, as well as, defining how the selected alternative will be altered by the existing transportation routes impacts to the communities